REMARKS/ARGUMENTS

The office action of June 25, 2004 (paper no. 6) has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Applicant has amended the specification to promote the consistent use of reference numeral 508.

Applicant encloses a replacement drawing sheet containing Figs. 1 and 2. The only change to each of these figures is the addition of the legend "Prior Art."

Claims 1-40 remain in this application. Applicant affirms the withdrawal of claim 21 from consideration, and election of claims 1-20 and 22-40 for prosecution in this application. In the Action, claims 1-7, 15-19, 22, 27-35, 37, 38 and 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 6,167,441 to *Himmel.* Claims 8-14, 20, 23-26, 36 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Himmel* in view of "logical reasoning." Applicant respectfully traverses these rejections, especially insofar as they may be applied against the claims as amended herein.

In rejecting claim 1, the Action alleges that each and every recited feature is disclosed in *Himmel. Himmel* relates generally to a system for customizing web pages based on the requestor type, but does not do so in the manner recited in amended claim 1. *Himmel* initially receives an HTTP header identifying the browser type (e.g., NETSCAPE NAVIGATOR) and operating system (e.g., MICROSOFT WINDOWS 95), but if this basic information is insufficient to identify the requesting client device, *Himmel* resorts to a so-called "snooper" applet to seek out additional information regarding the client device. The snooper agent is separate from the HTTP

request itself, and is downloaded to the requesting client machine to, for example, read the client

device's registry file or BIOS (Built-in Operating System) file and report back the capabilities of

the client device. Col. 6, lines 51-65. If the snooper is unable to locate sufficient information,

the *Himmel* system will simply query the user. Col. 6, line 66 to col. 7, line 2. The *Himmel*

snooper agent and user query occur separately from the original request, and do not include any

information in the request header (other than the browser type and operating system noted

above). Accordingly, *Himmel* does not teach or suggest the step of transmitting, from the

browser program module, a request for the data to the server, wherein the request includes

header information identifying a current setting of a dynamic characteristic of the application

requesting the data, as recited in amended claim 1.

For at least the reasons set forth above, Applicant submits that amended independent

claim 1 distinguishes over the art of record. Dependent claims 2-7, 9-13 and 15-20 depend from

claim 1, and are allowable for at least the same reasons as claim 1, and further in view of the

various advantageous and novel features recited therein. For example, claim 7 recites the

method of claim 1, wherein said header information identifies a locale setting of said application.

The Action cites *Himmel* col. 9, lines 28-30 to show this feature. However, the cited portion

merely states that locale information "is usually present in the operating system and can be

effectively snooped," and says nothing about including such information in a request's header

information, as recited in claim 7.

Claim 8 was formerly dependent on claim 1, and has been rewritten in independent form.

This claim distinguishes over the art of record. The Action admits that *Himmel* "does not

expressly disclose said header information identifies a characteristic of a network condition" as

recited in claim, but goes on to cite various portions of *Himmel* apparently in an effort to show the claim 8 this deficiency. Nonetheless, these cited portions do not, however, teach or suggest the header information recited in claim 8.

Claim 14 has also been rewritten in independent form and is considered allowable over *Himmel*. The Action admits that "the Himmel reference does not expressly disclose said header information identifies a characteristic of an audio capacity of said application," but offers no explanation for where this feature is allegedly found in the prior art, or why this claim is rejected. See Office Action, paper no. 6, at page 14. If this rejection is to be maintained, Applicant respectfully requests a basis for the rejection, such as an explanation of the prior art relied upon, and the Action's motivation for modifying *Himmel* to include a feature that the Action itself admits is not expressly disclosed, so that Applicant may meaningfully respond to the Action's rejection and advance the prosecution of this application. See, e.g., MPEP 706.02(j).

Turning now to independent claim 22, the Action alleges that each and every recited feature is found in *Himmel*. Claim 22 includes the following two steps among others:

> b) examining said received request for header information
> identifying said web browser;
>
> c) examining said received request for header information
> identifying a status of an application for which said web browser
> sent said request;

To show the second of these two steps, the Action cites col. 7, lines 14-16. However, this cited portion simply says that the HTTP header is examined for "client device characteristics," without any detail on what those characteristics are. *Himmel* however, discusses at col. 5, line 55 that these client device characteristics are browser type and operating system. Notably, this

limited discussion does not teach or suggest the claim 22 method, which includes the two steps

quoted above.

Applicant submits that claim 22 distinguishes over the art of record, and is in condition

for allowance for at least the aforementioned reasons. Claims 23-33 depend from claim 22, and

are allowable for at least the same reasons as claim 22 and further in view of the additional

advantageous features recited therein.

Turning now to independent claim 34, the claim recites, among other features, the

following step:

> receiving, via said network, a request for a web page from a web
> browser, wherein said request includes header information
> identifying a current setting of a dynamic characteristic of an
> application for which said web browser generated said request

The Action alleges that each and every step of claim 34 is shown in *Himmel*. For the step quoted

above, the Action cites to col. 7, lines 14-16. As noted above, this portion of *Himmel* offers no

detail at all regarding the actual header contents. *Himmel* notes at col. 5, line 55, however, that

the HTTP header simply has browser type and operating system information. Neither type of

information discloses, teaches or otherwise suggests identifying a current setting of a dynamic

characteristic of an application as recited in claim 34.

In view of the above, claim 34 distinguishes over the art of record. Claims 35-37 depend

from claim 34, and are allowable for at least the same reasons as claim 34, and further in view of

the various advantageous and novel features recited therein. For example, claim 36 recites the

computing device of claim 35, wherein said header information identifies a size or resolution of a

graphical display area used by said application. The Action rejects claim 36 by repeating the

grounds of rejection applied against claim 11. The rejection of claim 11 cites col. 4, lines 8-11

for support. That portion of *Himmel* merely states that different devices may have different resolutions and screen sizes. *Himmel* says nothing about the contents of any request header. Indeed, the *Himmel* system relies on a "snooper agent," and not on the request header, to identify the client device's monitor size. Col. 6, lines 59-60.

Amended independent claim 38 recites, among other features, said network request including header information identifying a current setting of a dynamic characteristic of said application program module. The Action cites the same portion of *Himmel* to show the recited header in claim 34. As discussed above with regard to claim 34, *Himmel* does not disclose, teach or suggest having such information in its header. Claim 39 depends from claim 38, and is allowable for at least the same reason as claim 38. Furthermore, claim 39 recites the computing device of claim 38, wherein said header information identifies a size or resolution of a graphical display area used by said application program module. As discussed above with regard to claim 36, *Himmel* does not include such information in its header, using instead a "snooper agent" to find this information.

And last, but not least, independent claim 40 recites, among other features, the following:

> wherein said Internet request includes header information
> identifying a characteristic of a display area used by an application
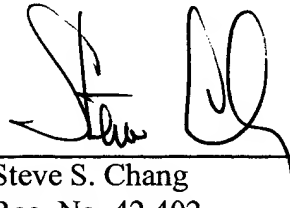> operating on said processor of said user device;

The Action relies on the same teaching from *Himmel* cited to reject claims 36 and 39, and as discussed above, *Himmel* relies on a snooper agent, and not on a request header, to learn of the client device. Applicant submits that like claims 36 and 39, claim 40 also distinguishes over the art of record, and is in condition for allowance.

In conclusion, Applicant respectfully submits that claims 1-20 and 22-40 distinguish over the art of record, and are in condition for allowance. However, if additional amendment and/or discussion would be helpful, the Examiner is invited to telephone Applicant's undersigned representative at the number appearing below.

Respectfully submitted,

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Dated: September 27, 2004   By: _____

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